



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

June 27, 2005

HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
P.O. BOX 272400  
FORT COLLINS, CO 80527-2400  
US

Dear Sir/Madam,

Your refund request for 09759867 in the amount of \$1,500.00 has been denied .

This is a fee that was charged by the petition office and they must make the decision to refund. I will send this to the Petitioners Office.

Sincerely,

ELEANOR KURTZ  
Technical Center Others  
703 308-9010 ext 177

HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
P.O. BOX 272400  
FORT COLLINS, COLORADO 80527-2400

PATENT APPLICATION  
ATTORNEY DOCKET NO. 10002307-1

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MAY 11 2005

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daniel R. Marshall Confirmation No.: 2146  
Application No.: 09/759,867 Examiner: Peyton, Tammara R  
Filing Date: January 12, 2001 Group Art Unit: 2185  
Title: Portable Information Storage Module for Information Shopping

Mail Stop: 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**  
**IMPROPER CHARGE OF DEPOSIT ACCOUNT**

Sir:

**I. REFUND REQUEST**

This is a request for a refund in the amount of \$1500.00, with respect to the charge to Deposit Account No. 08-2025, shown on the statement dated 1-31-2005 for the above identified patent application.

☒ A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

**II. FEES CHARGED FOR WHICH REFUND IS REQUESTED**

Fee Code 1453 - Petition to Revive unintentionally abandoned application.

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

6/9/2004 - HP filed Response to Final Office Action, within two month deadline.

9/3/2004 - PAIRS website shows receipt of Response to Final Office Action by USPTO.

9/3/2004 to 10/12/2004 - Several attempts were made to contact the Examiner regarding the status of the application, several voice mail messages left. No response from Examiner.

10/22/2004 - Per the Examiner's request, a copy of the Response to Final Office Action (filed on 6/9/2004), along with the PTO date-stamped return receipt postcard were sent to the Examiner.

May 11 2005 10:19AM HP IP GROUP FAX

281-514-8332

P.2

HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
P.O. BOX 272400  
FORT COLLINS, COLORADO 80627-2400

PATENT APPLICATION  
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11/17/2004 - Advisory Action mailed by the USPTO, indicating date of mailing as deadline for response.

12/7/2004 - Examiner informed HP that since Advisory Action was mailed after the expiration of the six month deadline set forth in the Final Office Action, the application was abandoned by the USPTO.

12/15/2004 - Notice of Abandonment mailed by the USPTO.

1/14/2005 - HP filed a Petition to Revive Unintentionally Abandoned Application with Request for Continued Examination.

1/26/2005 - USPTO charged Fee 1453: Petition to Revive unintentionally abandoned application and Fee: 1801: Request for continued examination (RCE).

The Response to Final Office Action was filed in a timely manner. The application was abandoned due to a delay in processing by the USPTO. Therefore, we believe the fee for Petition to revive unintentionally abandoned application should not be charged to HP.

IV. **MANNER OF REFUND**  
Please make refund of \$15000.00 crediting Account No. 08-2025.

Certificate of Mailing by Facsimile

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-9306 on

5/11/2005

Typed Name: Carrie Mckerley

Signature: Carrie Mckerley

Respectfully submitted,

By:



Phillip S. Lyren  
Attorney/Agent for Applicant(s)  
Reg. No. 40,709  
Telephone No.: (281) 514-8236

Date: May 2, 2005



HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
P.O. BOX 272400  
FORT COLLINS, CO 80527-2400

**COPY MAILED**

**JAN 26 2005**

**OFFICE OF PETITIONS  
ON PETITION**

In re Application of :  
Daniel R. Marshall :  
Application No. 09/759,867 :  
Filed: January 12, 2001 :  
Attorney Docket No. 10002307-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 19, 2004, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The reply submitted on June 14, 2004 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed November 17, 2004. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed, and no extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 20, 2004.

The above-identified application is being revived solely for purposes of continuity with a submission under 37 CFR 1.114 (request for continued examination (RCE)).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Pursuant to petitioner's authorization, Deposit Account No. 08-2025 was charged a total of \$2,290.00 -- \$1,500.00 for the petition to revive an unintentionally abandoned application and \$790.00 for the RCE fee.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 2182 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

  
Wan Layton

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy

cc: MICHAEL BINZAK  
DICKE BILLIG AND CZAGA PA  
100 S 5<sup>TH</sup> ST STE 2250  
MINNEAPOLIS, MN 55402

May 11 2005 10:19AM HP IP GROUP FAX

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P. 1

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Phillip S. Lyren  
Attorney/Agent for Applicant(s)  
Reg. No. 40,709  
Telephone No.: (281) 514-8236

Date: May 2, 2005